

PILLSBURY WINTHROP SHAW PITTMAN LLP
STEPHAN E. BECKER (*pro hac vice* application pending)
Email: stephan.becker@pillsburylaw.com
2300 N Street N.W.
Washington, D.C. 20037-1122
Telephone: (202) 663-8277
Facsimile: (202) 663-8007

PILLSBURY WINTHROP SHAW PITTMAN LLP
SHARON L. O'GRADY (SBN 102356)
Email: sharon.ogrady@pillsburylaw.com
50 Fremont Street
Post Office Box 7880
San Francisco, CA 94120-7880
Telephone: (415) 983-1198
Facsimile: (415) 983-1200

Attorneys for Defendants
THE SWISS CONFEDERATION, THE FEDERAL ATTORNEY GENERAL
OF SWITZERLAND, GERALD SAUTEBIN AND BRENT HOLTKAMP

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

OLIVER HILSEN RATH, ET AL.,

Plaintiffs,

v.

THE SWISS CONFEDERATION, THE
FEDERAL ATTORNEY GENERAL OF
SWITZERLAND, GERARD SAUTEBIN,
BRENT HOLTKAMP,

Defendants.

Case No. C-07-2782-WHA

E-Filing

DECLARATION OF BRENT
HOLTKAMP IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS COMPLAINT (FEDERAL
RULE OF CIVIL PROCEDURE
12(b)(1), (2), AND (6))

Date: September 13, 2007

Time: 8:00 a.m.

Courtroom: 9, 19th Floor

Judge: The Hon. William H. Alsup

1 I, BRENT HOLTKAMP, declare as follows:

2 1. I have personal knowledge of the facts set forth herein and, if called as a
3 witness, would and could competently testify to the truth thereof.

4 2. I am a Federal Attorney working in the Office of the Attorney General of
5 Switzerland, located in Bern. My job is to investigate and prosecute violations of Swiss
6 federal law. I have been a Federal Attorney since April 2002. I am a citizen of Switzerland
7 and reside in Bern.

8 3. I have no investments in California or any other State of the United States,
9 and I am not engaged in any private business in the United States.

10 4. In connection with my work as a Federal Attorney, I occasionally have
11 communicated with various United States Attorney's Offices and the United States
12 Department of Justice. Regarding the investigation of Oliver Hilsenrath, I had
13 communications with officials of the United States Attorney's Office in San Francisco and
14 the United States Department of Justice, and I traveled twice to San Francisco. I have had
15 no other contacts with the United States, other than visits to meet U.S. Government officials
16 in other matters relating to my job and for vacations.

17 5. I participated in two interviews of Mr. Hilsenrath conducted in Bern in 2005.
18 Other than these interviews, I have never met Mr. Hilsenrath.

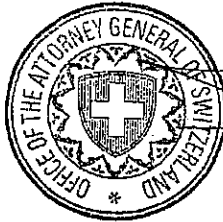
19 6. Since 2004, I and other Swiss officials have been conducting an
20 investigation of potential violations of Swiss law by Mr. Hilsenrath, which involve crimes
21 that were not disposed of by the U.S. criminal proceedings. During the course of the
22 matter, I referred the investigation to the Federal Examining Magistrate in Geneva pursuant
23 to the requirements of Article 108 of the Federal Law on Criminal Proceedings of 15 June
24 1934 and recently, also pursuant to the Federal Law on Criminal Proceedings, the
25 Examining Magistrate returned the case to me with his findings.

26 7. Although the assets initially were frozen at the request of the United States,
27 the decision not to unfreeze them was based on the status of the Swiss investigation, and
28

1 not on the status of the U.S. prosecution. Mr. Hilsenrath challenged the validity of the asset
2 freeze in the Swiss courts and the courts consistently ruled against him, in decisions that are
3 designated confidential because they involved a pending Swiss criminal investigation.

4 I declare under penalty of perjury under the laws of the United States that the
5 foregoing is true and correct.

6 Executed this 31st day of August, 2007, at Bern, Switzerland.



Brent Holtkamp